

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**CHARLES SMITH, JR.**

**PETITIONER**

**v.**

**No. 1:17CV184-GHD-DAS**

**MR. RONALD KING, ET AL.**

**RESPONDENTS**

**ORDER GRANTING PETITIONER'S MOTIONS [28], [29], [30]  
TO REINSTATE CASE, CONSOLIDATING THIS CASE WITH  
*SMITH V. KING*, 1:19CV117-DMB-JMV**

This matter comes before the court on the motions [28], [29], [30] by the petitioner to reinstate his case, which the court dismissed [25] under Fed. R. Civ. P. 41(b) for failure to prosecute and failure to comply with an order from the court (because the court received returned mail from the petitioner's last known address). The petitioner has since notified the court of his new address. As such, his motions [28], [29], [30] to reinstate his case are **GRANTED**. The Clerk of the Court is **DIRECTED** to reinstate this case to the court's active docket.

After the dismissal of this petition, Mr. Smith filed another one in this court involving the same conviction – *Smith v. King*, 1:19CV117-DMB-JMV. As the cases involve the same conviction and sentence, the Clerk of the Court is also **DIRECTED** to **CONSOLIDATE** the instant case with *Smith v. King*, 1:19CV117-DMB-JMV. As Mr. Smith was proceeding as a pauper in this case, the pending motion to proceed *in forma pauperis* in the other case is **DISMISSED** as moot. The State has already responded to the petition in this case, and now that the case is reinstated, the matter is ripe for decision.

**SO ORDERED**, this, the 29<sup>th</sup> day of July, 2019.

  
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SENIOR JUDGE